

Laura Vartain Horn (SBN 258485)
KIRKLAND & ELLIS LLP
555 California Street, Suite 2700
San Francisco, CA 94104
Telephone: (415) 439-1625
laura.vartain@kirkland.com

Jessica Davidson (Admitted *Pro Hac Vice*)
Christopher D. Cox (Admitted *Pro Hac Vice*)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Telephone: (212) 446-4800
jessica.davidson@kirkland.com
christopher.cox@kirkland.com

Allison M. Brown (Admitted *Pro Hac Vice*)
KIRKLAND & ELLIS LLP
2005 Market Street, Suite 1000
Philadelphia, PA 19103
Telephone: (215) 268-5000
alli.brown@kirkland.com

Attorneys for Defendants
UBER TECHNOLOGIES, INC., RASIER, LLC,
and RASIER-CA, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB (LJC)

**DEFENDANTS' ADMINISTRATIVE
MOTION TO SEAL PERSONAL
IDENTIFYING INFORMATION AND
INFORMATION DESIGNATED AS
CONFIDENTIAL PURSUANT TO ECF 176
CONTAINED IN DEFENDANTS'
REPLY IN SUPPORT OF UBER'S MOTION
REGARDING FRAUDULENT PLAINTIFF
FACT SHEETS**

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

DEFENDANTS' STATEMENT IN SUPPORT OF SEALING CONFIDENTIAL MATERIALS

Under Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC ("Uber" or "Defendants") hereby move this Court for an order to seal the personal identifying information ("PII") contained in their Reply in Support of Uber's Motion Regarding Fraudulent Plaintiff Fact Sheets (the "Reply") and its exhibits. The Reply and its exhibits contain PII and information designated as confidential pursuant to the Protective Order entered in this matter from materials produced by Plaintiffs and Uber. *See* ECF 176. The Reply and exhibits are attached as Exhibit A, filed with this Administrative Motion.

A party seeking to seal a judicial record bears the burden of establishing that "compelling reasons" support that request. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006). Specifically, that party must "articulate[] compelling reasons supported by specific factual findings . . . that outweigh the general history of access and the public policies favoring disclosure [of court records], such as the 'public interest in understanding the judicial process.'" *Id.* (quoting *Foltz v. State Farm Mut. Auto. Ins.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). "In turn, the [C]ourt must 'conscientiously balance[] the competing interests' of the public and the party who seeks to keep certain judicial records secret." *Id.* at 1179 (quoting *Foltz*, 331 F.3d at 1135).

Assessment of the public and private interests implicated here warrant sealing this information. Local Rule 79-5(c)(1)(i). Uber in particular seeks to seal PII and responses provided within certain Plaintiff Fact Sheets ("PFS") and Defendant Fact Sheets ("DFS") produced by counsel via MDL Centrality ("MDLC") which are considered confidential and subject to the Protective Order entered in this matter. *See* ECF 176. Courts have found that such information "is sealable under the compelling reasons standard." *See, e.g., Kumandan v. Google LLC*, No. 19-cv-04286-BLF, 2022 WL 17971633, at *1 (N.D. Cal. Nov. 17, 2022). That is because such information is "not relevant to any of the issues in this litigation, nor would the public have any real interest in its disclosure." *O'Connor v. Uber Techs., Inc.*, No. C-13-3826 EMC, 2015 WL 355496, at *3 (N.D. Cal. Jan. 27, 2015). On the other hand, the public disclosure of the PII and responses provided within certain PFS and DFS contained within the Reply could cause significant and avoidable harm or embarrassment to the affected individuals. Moreover, no less restrictive

alternative to sealing the PII and PFS and DFS responses within the Reply and exhibits is sufficient. Local Rule 79-5(c)(1)(iii). Uber’s request is narrowly tailored to seal only the PII and responses provided within certain PFS and DFS while ensuring that the public retains access to the rest of the Reply and related documents. This Court may therefore “appropriately balance[]” the privacy interests of the affected individuals with the public’s right to access by allowing redaction of all such PII and responses provided within certain PFS and DFS in the Reply, as well as sealing exhibits 1-6, which are or reference confidential PFS and DFS. *O’Connor*, 2015 WL 355496, at *2.

CONCLUSION

For the foregoing reasons, Uber respectfully requests this Court grant this Administrative Motion to seal responses provided within certain PFS and DFS contained in the Reply and seal Exhibits 1-6 to the Reply, which are or reference PFS and DFS marked confidential under the Protective Order.

DATED: December 27, 2025

Respectfully submitted,

/s/ Laura Vartain Horn

Laura Vartain Horn (SBN 258485)

KIRKLAND & ELLIS LLP

555 California Street, Suite 2700

San Francisco, CA 94104

Telephone: (415) 439-1625

laura.vartain@kirkland.com

Jessica Davidson (Admitted *Pro Hac Vice*)

Christopher D. Cox (Admitted *Pro Hac Vice*)

KIRKLAND & ELLIS LLP

601 Lexington Avenue

New York, NY 10022

Telephone: (212) 446-4800

jessica.davidson@kirkland.com

christopher.cox@kirkland.com

Allison M. Brown (Admitted *Pro Hac Vice*)

KIRKLAND & ELLIS LLP

2005 Market Street, Suite 1000

Philadelphia, PA 19103

Telephone: (215) 268-5000

alli.brown@kirkland.com

SABRINA H. STRONG (SBN: 200292)
sstrong@omm.com
JONATHAN SCHNELLER (SBN: 291288)
jschneller@omm.com
O'MELVENY & MYERS LLP
400 South Hope Street, 19th Floor
Los Angeles, CA 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407

PATRICK L. OOT (*Pro Hac Vice*)
oot@shb.com
SHOOK, HARDY & BACON, LLP
1800 K Street NW, 10th Floor
Washington, DC 20006
Telephone: (202) 783-8400
Facsimile: (202) 783-4211

ALYCIA A. DEGEN (SBN: 211350)
adegen@shb.com
MICHAEL B. SHORTNACY (SBN: 277035)
mshortnacy@shb.com
SHOOK, HARDY & BACON, LLP
2121 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (424) 285-8330
Facsimile: (424) 204-9093

CHRISTOPHER V. COTTON (*Pro Hac Vice*)
ccotton@shb.com
SHOOK, HARDY & BACON, LLP
255 Grand Boulevard
Kansas City, MO 64108
Telephone: (816) 474-6550
Facsimile: (816) 421-5547

Counsel for Defendants
UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC